



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

REGION 2  
290 BROADWAY  
NEW YORK, NY 10007-1866

APR 17 2015

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

**Article Number: 7005 3110 0000 5951 3569**

Gregory A. Mountain  
The West Firm, PLLC  
677 Broadway - 8th Floor  
Albany, New York 12207

Re: Freedom of Information Act (FOIA) Request EPA-R2-2015-000386

Dear Mr. Mountain:


This is in response to your above referenced FOIA Request in which you requested documents concerning the Nichols Run Road enhanced oil recovery facility formerly leased by BDH Oil Company. You received email notification that the documents responsive to your request are available on the FOIA Online website: <https://foiaonline.regulations.gov/foia/action/public/home>.

Please note, however, that some of the responsive documents have been withheld in their entirety and others have been redacted. These documents and redacted segments are exempt from mandatory disclosure pursuant to Exemption 5 of the FOIA, 5 U.S.C. §552(b)(5). Specifically, these withheld documents and redacted segments are deliberative and predecisional in nature, are attorney – client communications, and/or are attorney work products and thus are privileged. In addition, one email was withheld entirely and several others redacted, as they are exempt from mandatory disclosure pursuant to Exemption 7 of the FOIA, 5 U.S.C. §552(b)(7)(A). For additional information concerning the fully withheld documents please see Table 1 (enclosed). For the redacted documents, each redaction is marked in the margin with the pertinent FOIA Exemption.

You may appeal this determination by submitting your appeal via FOIAONLINE at <https://foiaonline.regulations.gov/foia/action/public/home> or to the National Freedom of Information Officer, U.S. EPA, FOIA and Privacy Branch, 1200 Pennsylvania Avenue, N.W. (2822T), Washington, DC 20460 (U.S. Postal Service Only), E-mail: [FOIA\\_HQ@epa.gov](mailto:FOIA_HQ@epa.gov); Only items mailed through the United States Postal Service may be delivered to 1200 Pennsylvania Avenue, NW. If you are submitting your appeal via hand delivery, courier service or overnight delivery, you must address your correspondence to 1301 Constitution Avenue, N.W., Room 6416J, Washington, DC 20001. Your appeal must be made in writing, and it must be submitted no later than 30 calendar days from the date of this letter. The Agency will not consider appeals received after the 30 calendar day limit. The appeal letter should include the case file number listed above. For quickest possible handling, the appeal letter and its envelope should be marked "Freedom of Information Act Appeal".

If you have further questions regarding this matter, please contact Nicole Foley Kraft, Chief, Ground Water Compliance Section, at (212) 637-3093.

Sincerely,



Dore LaPosta, Director  
Division of Enforcement and Compliance Assistance

Enclosure

cc: J. Mieses, DECA-CAPSB  
W. Calderon, PAD-POB

bcc: F. Brock, DECA-WCB (signed copy)  
K. Kramer, 2ORC (signed copy)

Table 1

INFORMATION CONCERNING FULLY WITHHELD DOCUMENTS

DESCRIPTION OF DOCUMENTS	FOIA EXEMPTION	APPROXIMATE NUMBER OF PAGES WITHHELD	NOTES
Email exchanges dated February 22, 2011 through September 15, 2014	5	156	Records withheld concern past and/or present lease status and/or past, present and/or future activity, including well plugging, on the lease.
Email exchange dated June 19, 2014	7A	3	
Enclosures to October 20, 2010 Letter	N/A	235	Several of the enclosures to the October 20, 2010 letter from BDH Oil Co. to EPA are not responsive to your request, but would have been exempt from mandatory disclosure had they been responsive, so have not been released. The letter and the one enclosure that is responsive to your request have been released.